

Apr 26, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KENNEWICK PUBLIC HOSPITAL

No. 4:17-cv-05197-SAB

DISTRICT,

Debtor and Appellant,

ORDER DENYING MOTION

v.

FOR RECONSIDERATION

KEY GOVERNMENT FINANCE, INC.,

Creditor and Appellee.

Before the Court is Key Government Finance, Inc.'s Motion for Reconsideration, ECF No. 22. The motion was heard without oral argument. Key Government Finance, Inc. is represented by Bruce Leaverton and James Zack.

Key Government Finance, Inc. asks the Court to reconsider its February 22, 2018 Order Granting Kennewick Public Hospital District's Emergency Motion for Stay of Key Order Pending Appeal, ECF No. 21.

Standard

A motion for reconsideration should only be granted if the Court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law. *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration should not be granted, absent highly unusual circumstances." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.

1 1999). A motion for reconsideration may not be used to raise arguments or present
2 evidence for the first time when they could reasonably have been raised earlier in
3 the litigation. *Id.*; *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th
4 Cir. 2000).

5 **Analysis**

6 Here, Key Government Finance, Inc. argues the Court committed clear error
7 by misconstruing and misapplying the reasoning provided in *In Re City of*
8 *Stockton*, 478 B.R. 8 (E.D. Cal. 2012), and expanding the scope of Section 904 as
9 to render inoperative other important bankruptcy statutes applicable in Chapter 9.
10 Key Government Finance, Inc. is not making any additional arguments that the
11 Court has not already considered.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. Key Government Finance, Inc.'s Motion for Reconsideration, ECF No.
14 22, is **DENIED**.

15 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
16 and forward copies to counsel.

17 **DATED** this 26th day of April 2018.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

24 Stanley A. Bastian
25 United States District Judge
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